

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

**SEBRENA Y. TUCKER,**

Plaintiff,

v.

Case No. 4:12-cv-69-AWA-DEM

**U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR THE STRUCTURED  
ASSET SECURITIES CORP. MORTGAGE  
PASS-THROUGH CERTIFICATES, 2006-EQ1,  
et al.,**

Defendants.

**PLAINTIFF'S MOTION FOR LEAVE  
TO FILE SUPPLEMENTAL AUTHORITY**

COMES NOW the Plaintiff, Sebrena Y. Tucker, by counsel, and respectfully moves the court for leave to file supplemental authority directly related to the Defendant's Motion to Dismiss (Docket No. 2) and in support of Plaintiff's Memorandum in Opposition (Docket No. 20). Under the rules of this court, the Plaintiff is not entitled to file any additional papers and therefore, under Local Civil Rule 7(F)(1), seeks leave to file supplemental authority directly bearing on the issues presented in the Defendant's Motion to Dismiss and the Plaintiff's Memorandum in Opposition. *See, Dennis v. Wells Fargo Bank, N.A.*, Civ. No. 2:11CV401-MSD (E.D.Va. Oct. 24, 2011)(Docket No. 29)(granting leave to file supplemental authority in the form of a court's hearing transcript that was not available at the time the plaintiff's response was due). In this case, the Plaintiff seeks leave to file the November 5, 2012, Memorandum Opinion of the Honorable Judge Henry E. Hudson in *Michelle Bourdelais v. JPMorgan Chase Bank, N.A. and Chase Home Finance, LLC*, Civ. No. 3:10CV670-HEH-DWD (E.D.Va., Richmond Div., Nov. 5, 2012)(Docket No. 62), which Opinion is directly related to two (2) claims set out in Plaintiff's

Complaint which the Defendant asks the Court to dismiss. A copy of the Opinion is attached hereto as Exhibit "A".

The Defendant raised two issues in its Motion to Dismiss that are addressed on point by Judge Hudson's Opinion: (1) that Plaintiff's claim for Breach of Contract for Breach of the Implied Covenant of Good Faith and Fair Dealing should be dismissed because the claim is based on a HAMP loan modification and that such a claim is not recognized by Virginia law; and (2) that Plaintiff's claim for violation of the Real Estate Settlement Procedures Act is factually deficient.

Because the Opinion referenced herein was not entered until November 5, 2012, and the court could benefit from the Opinion, good cause is shown for the filing of supplemental authority.

SEBRENA Y. TUCKER

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of November 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Hunter W. Sims, Jr.  
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/s/  
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